

REMARKS/ARGUMENTS

These remarks are responsive to the Office Action of July 8, 2009. Reconsideration and allowance of the instant application are respectfully requested. Claims 11-18, 20, 23, 24, 26, 27, 29, 30, 33, 36, 37, 39, and 41 have been amended. Claims 42-48 have been added. Claims 10, 19, 21, 22, 31, 32, 34, 35, and 40 have been canceled without prejudice or disclaimer. No new matter has been added. Claims 11-18, 20, 23-30, 33, 36-39, and 41-48 remain pending in this application

Rejection Under 35 U.S.C. § 101

Claims 31, 34 and 35 stand rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Claims 31, 34, and 35 have been canceled, thus rendering the rejection moot.

Rejection Under 35 U.S.C. § 102/103(a)

Claims 10-18, 20-22, 24, 25, 27, 29, 30, 32, 33 and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukui *et al.* (US 6940532, hereinafter “Fukui”) in view of Arbab *et al.* (US 6778192, hereinafter “Arbab”), Ishikawa (US 5506951), Martinez *et al.* (US 6147683, hereinafter “Martinez”), and Guheen (US 2004/0107125, hereinafter “Guheen”). Claims 23, 31, 34 and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukui in view of Arbab, Martinez and Guheen. Claim 36 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Martinez in view of Guheen.

Independent claim 16 has been amended to substantially incorporate the features of claim 19. Claim 16 recites, *inter alia*,

a graphical indicator ... displayed at a size relative to the scroll bar to indicate a size of the item of interest relative to a size of the set of information, the size of the graphical indicator configured to dynamically change in response to a change in the size of the set of information.

In the rejection of claim 19, the Action admits that Fukui, Arbab, Martinez, Ishikawa and Guheen fail to teach or suggest the above recited feature. See Action page 20. Instead, the Action relies on Eisenberg to describe said feature, specifically referring to col. 2,

lines 53-67 and col. 4, lines 1-5. However, Eisenberg merely states that, “the selected content indicator can be sized to indicate the length of the selected portion of the note content relative to the overall content extent”. See Eisenberg, col. 3, lines 3-5. Notably, such a description fails to teach or suggest that such an action may be performed dynamically and in response to a change in size in the set of information as recited in claim 16. That is, said portion of Eisenberg’s disclosure is, without more, limited to sizing the selected content *when the indicator is set*.

Indeed, the rest of Eisenberg is similarly devoid of any discussion of *dynamically* changing the size of the content indicator. As such, even assuming but not conceding proper, a combination of Fukui, Arbab, Martinez, Ishikawa, Guheen and Eisenberg would have failed to result in the features of amended claim 16.

Independent claims 23, 27, and 36 have been amended to recite features similar to those discussed above with respect to claim 16, and are allowable over the applied art for at least the same reasons as discussed above with respect to claim 16. Dependent claims 10, 21, 22, 31, 32, 34, and 35 have been canceled, thus rendering the rejections against these claims moot. Dependent claims 11-15, 17-18, 20, 24, 25, 29, 30, 33 and 40 are at least allowable based on their base claims, respectively, and in further view of the advantageous features recited therein.

For example, amended claim 20 recites, *inter alia*,

wherein the computer executable instructions, when executed by the data processing device, further perform displaying the item of interest within the viewing region in response to an input invoking any of the one or more additional graphical indicators.

A combination of Fukui, Arbab, Ishikawa, Martinez and Guheen, even if appropriate, fails to teach or suggest such a feature. That is, none of these references describe displaying the item of interest within the viewing region in response to an input invoking any of the one or more additional graphical indicators as recited in claim 20. For example, Martinez, at best, describes multiple graphic markers, but significantly fails to teach or suggest that the user can display the item of interest by clicking on any of the markers. See Martinez, col. 8, lines 23-39. Indeed, Martinez fails to describe that the user may display the location of the item of interest to the viewing region by selecting a marker, let alone the features of claim 20.

Similarly, Fukui fails to teach or suggest said features of claim 20. As shown in FIGs 3-7, Fukui's markers are not even found on the scroll bar, but in stark contrast are located within the viewing region. See Fukui, FIGs. 3-7. Therefore, Fukui, like Martinez, fails to teach or suggest the features of claim 20.

Moreover, Arbab, Ishikawa and Guheen fail to cure the deficiencies of Fukui and Martinez. Therefore, such a combination would not have resulted in each and every feature of amended claim 20. Therefore, claim 20 is allowable for this additional reason.

Claim 41 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukui, Arbab, Martinez, Ishikawa and Guheen as applied to Claim 16 above and in further view of Blumberg (U.S. 6799303, hereinafter "Blumberg"). Claim 41 depends on claim 16. Notably, Blumberg fails to cure the deficiencies of Fukui, Arbab, Martinez, Ishikawa and Guheen with respect to claim 16. Therefore, claim 41 is allowable at least based on its dependence on claim 16, and in further view of the advantageous features recited therein.

Claims 26 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukui, Arbab, Ishikawa, Martinez and Guheen as applied to claim 23 above and in further view of MacPhail (U.S. 6924797, hereinafter "MacPhail"). Claims 26 and 28 depend on claim 23 and 27, respectively. Notably, MacPhail fails to cure the deficiencies of Fukui, Arbab, Martinez, Ishikawa and Guheen with respect to claims 23 and 27. Therefore, claims 26 and 28 are allowable at least based on its dependence on claims 23 and 27, and in further view of the advantageous features recited therein.

Claims 37 and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Martinez and Guheen as applied to claim 36 and in further view of Ishikawa. Claim 37 and 38 depend on claim 36. Claim 36 has been amended to recite features similar to claim 16. As discussed above, claim 16 is distinct from a combination of at least Martinez, Guheen and Ishikawa. Therefore, claims 37 and 38 are allowable for at least the same reasons as claim 36, and in further view of the advantageous features recited therein.

Claim 39 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Martinez, Guheen, and Ishikawa as applied to Claim 36 above and in further view of MacPhail. Claim 39 depends on claim 36. Notably, MacPhail fails to cure the

deficiencies of Martinez, Ishikawa and Guheen with respect to claim 36. Therefore, claim 39 is at least allowable at least based on its dependence on claim 36, and in further view of the advantageous features recited therein.

New Claims

Claims 42-48 have been added. No new matter has been added. Claims 42-44 depend on claims 16, 23, and 36, respectively, and are allowable for at least the same reasons as their base claims, and in further view of the advantageous features recited therein. Claims 45-48 recite an apparatus with features substantially similar to claims 16, 17, 18, and 20 respectively, and are allowable for at least the same reasons as claims 16, 17, 18, and 20 provided above.

CONCLUSION

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. If the examiner has any questions or needs any additional information, the examiner is invited to contact applicant's undersigned representative at (202) 824-3077.

Respectfully submitted,

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